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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 2159.0340001/EKS/VSR
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/534,689
INTERNATIONAL APPLICATION NO. PCT/US2003/036522	INTERNATIONAL FILING DATE 14 November 2003	PRIORITY DATE CLAIMED 14 November 2002
TITLE OF INVENTION Absolute Quantitation of Nucleic Acids by RT-PCR		
APPLICANT(S) FOR DO/EO/US Normand E. ALLAIRE		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<div style="margin-top: 10px;"><div>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</div><div>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</div><div>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</div><div>4. <input type="checkbox"/> The US has been elected (Article 31).</div><div>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<div style="margin-left: 20px;"><div>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</div><div>b. <input type="checkbox"/> has been communicated by the International Bureau.</div><div>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</div></div></div><div>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<div style="margin-left: 20px;"><div>a. <input type="checkbox"/> is attached hereto.</div><div>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</div></div></div><div>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<div style="margin-left: 20px;"><div>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</div><div>b. <input type="checkbox"/> have been communicated by the International Bureau.</div><div>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</div><div>d. <input type="checkbox"/> have not been made and will not be made.</div></div></div><div>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</div><div>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</div><div>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</div></div> <div style="margin-top: 10px;"><b>Items 11 to 20 below concern document(s) or information included:</b><div>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</div><div>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</div><div>13. <input type="checkbox"/> A preliminary amendment.</div><div>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</div><div>15. <input type="checkbox"/> A substitute specification.</div><div>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</div><div>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</div><div>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</div><div>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</div></div>		

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/534,689</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US2003/036522</b>	ATTORNEY'S DOCKET NUMBER <b>2159.0340001/EKS/VSR</b>
20. Other items or information: See 1 in Addendum		
The following fees have been submitted		<b>CALCULATIONS</b>
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... <b>\$300</b>		\$
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))  If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b> All other situations..... <b>\$200</b>		\$
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b> Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... <b>\$100</b> International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... <b>\$400</b> All other situations..... <b>\$500</b>		\$
<b>TOTAL OF 21, 22 and 23 =</b>		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	RATE
- 100 =	/50 =	x <b>\$250</b>
		\$
Surcharge of <b>\$130.00</b> for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$
CLAIMS	NUMBER FILED	RATE
Total claims	- 20 =	x <b>\$ 50</b>
Independent claims	- 3 =	x <b>\$200</b>
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ <b>\$360</b>
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		
<b>SUBTOTAL =</b>		\$
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$
<b>TOTAL NATIONAL FEE =</b>		\$
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property		\$
<b>TOTAL FEES ENCLOSED =</b>		\$ <b>0</b>
		Amount to be refunded:
		\$
		Amount to be charged
		\$

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- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0036. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CUSTOMER NUMBER 26111  
Sterne, Kessler, Goldstein & Fox P.L.L.C.

  
SIGNATURE

Victoria S. Rutherford

NAME

52,253

REGISTRATION NUMBER

## Addendum

1. 1. Information Disclosure Statement Filing Under 37 C.F.R. § 1.97(b)
2. Information Disclosure Statement By Applicant PTO/SB/08A, 1 page, listing 1 document (US1);
3. Information Disclosure Statement By Applicant PTO/SB/08B, 1 page, listing 3 documents (NPL1-NPL3);
4. A copy of cited documents listed on Form PTO/SB/08B; and
5. One (1) return postcard.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Normand E. ALLAIRE

Appl. No.: 10/534,689

Int'l Filing Date: November 14, 2003

For: **Absolute Quantitation of Nucleic  
Acids by RT-PCR**

Confirmation No.: 8249

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 2159.0340001/EKS/VSR

**Information Disclosure Statement  
Filing Under 37 C.F.R. § 1.97(b)**

*Mail Stop Amendment*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Forms PTO/SB/08A and PTO/SB/08B are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of documents **NPL1-NPL3** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), a copy of the U.S. patent, document **US1**, cited on the attached Form PTO/SB/08A is not submitted.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

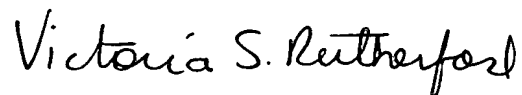
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return copies of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink that reads "Victoria S. Rutherford". The signature is written in a cursive, flowing style.

Victoria S. Rutherford, Ph.D.  
Agent for Applicant  
Registration No. 52,253

Date: Jan 31, 2006

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